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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,070	12/30/2003	Alexander Virvo	BAD017USU	7946
45180	7590	03/30/2005	EXAMINER	
GRIMES & BATTERSBY, LLP 488 MAIN AVENUE, THIRD FLOOR NORWALK, CT 06851			ROYAL, PAUL	
			ART UNIT	PAPER NUMBER

3611

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/749,070	Applicant(s) VIRVO, ALEXANDER	
	Examiner Paul Royal	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 10 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 13, second occurrence, been renumbered 14.

2. Claim 10 is objected to because of the following informalities: The word "and" in line 2 should be "an". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 3-4, 6-7, 10-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Epstein (US 3,601,916).

Epstein teaches a foldable paperboard/corrugated cardboard screen comprising:

a center panel (11);

a left tray (12); and

a right tray (13),

wherein the left tray (12) is attached to the center panel (11) with a first flexible hinge (23) and the right tray (13) is attached to the center panel (11) with a second flexible hinge (23);

wherein the center panel (11) comprises a header (46);

wherein either the left tray or the right tray includes means (38) for attaching a shelf;

wherein the display/screen includes a plurality of locking tabs (17,26) and corresponding locking slots (18, 27) which may be folded so as to assemble the display/screen without the use of glue, tape, adhesive or fasteners; and

wherein adjacent display/screen panels (11,12,13,14,15,16) are attached by means of a stacking tab (17).

Note where Epstein teaches attaching foldable placards 39 in the foldable screen via slots 28, it is understood the proper element is element 38 because the placards 39 are shown in Figure 1 (see also column 2, lines 43-46) as positioned in slots 38 and element (the flaps) 28 contain slots 27 (see Figure 3 and column 1, lines 68-70).

Further, the slots 28 which hold the placards are understood as means for attaching a shelf where the shelf is attached via a slot.

For claim 7, note, the left tray and right tray provide pockets in the form of slits 38 that support the placards 39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, as applied to claim 1.

Epstein teaches the claimed limitations except the specific dimensions recited in claims 8-9 and 13-15 and providing a display having substantially flat trays for shipping.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the foldable paperboard screen of Epstein to employ the dimensions of claims 8-9 and 14-15 to provide a display of a requisite size, and to provide substantially flat profile trays when unassembled where the folded and unfolded size of the display/screen motivated the development of the foldable storable paperboard screen because compactness was considered part of the problem to be solved.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, as applied to claim 1, in view of Hanlon (US 4,372,086).

Epstein teaches the claimed limitations except the display/screen being made from a single piece of cardboard.

Hanlon teaches a display construction including wherein the display/screen (12,14,16) is made from a single piece of cardboard to provide a display which can be easily assembled with the need of an additional helper.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the foldable paperboard screen of Epstein to include the use of a single piece of cardboard, as taught by Hanlon, to provide a display which can be easily assembled with the need of an additional helper.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, as applied to claim 1, in view of Tuttle et al. (US 5,323,826).

Epstein teaches the claimed limitations except the left tray or the right tray being assembled using an adhesive.

Tuttle et al. teaches a modular portable display screen having panel/tray hinges (156) adhered with glue to allow the display to be assembled using easily available raw materials.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the foldable paperboard screen of Epstein to include the use of an adhesive when assembling the hinges of the panels/trays, as taught by Tuttle et al., to allow the display to be assembled using easily available raw materials.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, as applied to claim 4, in view of Lowthian (US 2,845,758).

Epstein teaches the claimed limitations except wherein the means for attaching a shelf comprises an "H" cut in the material of the tray.

Lowthian teaches means (2) for supporting attached/inserted components in a display which comprises using "H" cut slots to provide an insert support having a minimum number of parts and operations during manufacture.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the slot means for attaching a shelf of Epstein, to include using an "H" cut slot, as taught by Epstein, to provide an insert support having a minimum number of parts and operations during manufacture.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein, as applied to claim 1, in view of Baumgartner (US 5,934,549).

Epstein teaches the claimed limitations except a closure tab, the closure tab serving to retain the presentation display in a closed position.

Baumgartner teaches a folding three panel presentation box including a closure tab (16), the closure tab serving to retain the box in a closed position, to provide a presentation box which can be easily reused.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the presentation display of Epstein to include a closure tab, the closure tab serving to retain the display in a closed position, to provide a presentation unit that can be easily reused.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. King teaches a folding oven. Bacher teaches a display device. Leigh teaches a modular advertising display. Okada teaches a package cushioning structure. Fraser teaches a shipping and display container. Podergois teaches a foldable display assembly.

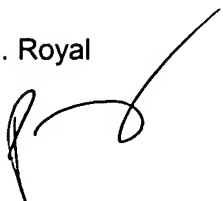
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570 (effective April 2005 the Examiner's phone number will be 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

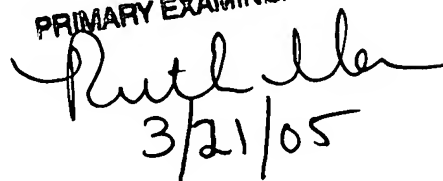
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Royal
Examiner
Art Unit 3611

P. Royal



RUTHILAN
PRIMARY EXAMINER



3/21/05